RUSSELL S. BABCOCK, ESQ.
California State Bar No. 99130
Certified Specialist, Criminal Law,
The State Bar of California Board of Legal Specialization
1901 First Ave. Suite 196A
San Diego, California 92101
Russbab@aol.com
(619) 531-0887

Attorney for Defendant,
JUAN CARLOS GARCIA,

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

HONORABLE LARRY A. BURNS

UNITED STATES OF AMERICA, Plaintiff, vs. JUAN CARLOS GARCIA, Defendant.	CASE NO. 08CR-2713-LAB Date: September 22, 2008 Time: 2:00 p.m. **MOTIONS FOR LEAVE TO FILE FURTHER MOTIONS**

Counsel for defendant Juan Carlos Garcia, hereby respectfully requests that this Court grant him leave to file further motions based on newly received discovery and based upon the defense utilized by co-defendant. To date, defendant is unclear if discovery is complete. Additionally, counsel does not know what defense the co-defendant will reply upon and whether the defenses will be inconsistent warranting a severance. Therefore, defendant requests leave to file additional motions that arise from new discovery, and a motion to sever the co-defendants for trial, if necessary.

This request is based upon the documents filed in this application, pleadings, and declaration of counsel.

Respectfully submitted,

/s/ Russell S. Babcock

DATED: September 3, 2008

RUSSELL S. BABCOCK
Attorney for Defendant

PROOF OF SERVICE BY MAIL OR HAND DELIVERY

Case Name: **United States v. Garcia (Def #2, Juan Garcia)**
No.: 08-2713-2-LAB

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is that of 1400 Sixth Ave., Suite #210, San Diego, California 92101

I am not a party to the above-entitled action. I have cause service of Motion for Leave to File Further Motions by electronically filing the foregoing with the Clerk of the District Court using the ECF System, which electronically notifies them:

Anne Perry
Assistant U.S. Attorney

Eric Guzman
Attorney for Ana Garcia

Executed on September 2, 2008 at San Diego, California.

I declare under penalty of perjury that the above is true and correct.

/s/ Russell S. Babcock
Russell S. Babcock